

REMARKS

A. Background

The final Office Action, mailed December 12, 2006, considered and rejected claims 10-34 and 53-57. Claim 54 was rejected under 35 U.S.C. 112, claims 10-34 and 53-57 were rejected under 35 U.S.C. 102(e) as being anticipated by *Shea* (U.S. Pat. No. 6,050,924), while claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Shea* in view of *Shum* (U.S. Pat. No. 6,585,622).¹

By this paper, claims 10, 11, 16, 17, 19, 24, 25, 27-30, 32-34, and 53-57 have been amended.² Accordingly, following this paper, claims 10-34 and 53-57 remain pending, of which claims 1, 19, and 53 are the only independent claims at issue.

B. The § 112 Rejection

In the Office Action, the Examiner rejected claim 54 because the phrase "infrared control signal" lacked antecedent basis. In response, claim 54 has been amended to provide proper antecedent basis.

C. The § 102 Rejection

Claims 10-34 and 53-57 were rejected under § 102(e) as being anticipated by *Shea*. Applicants' respectfully traverse.

Shea discloses an "exercise system and, more particularly, to an exercise terminal network including exercise terminals usable by an exerciser in a training or rehabilitation program" (Col. 1, ll. 5-8). During use, in one implementation, the "exerciser enters his/her exercise identifier at [an] exercise station terminal" to begin the workout (Col. 17, ll. 17-18). "The exerciser is provided with a prompt which indicates the exercise . . . and total exercise time" (Col. 17, ll. 24-26). Following completion of the exercise at the first exercise station terminal, "the exerciser is provided with an aural and/or visual prompt regarding the next exercise terminal to be used" (Col. 17, ll. 34-36). "The exerciser then proceeds to the stationary bicycle and enters his/her exerciser identifier . . . Processor 201 uses the entered exerciser

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments and new claims can be found throughout the specification.

identifier to retrieve exercise data from the exercise database" (Col. 17, ll. 42-46). Each time the exerciser changes an exercise apparatus, the exerciser enters the exerciser identifier and the processor of the exercise apparatus retrieves the exercise program from the exercise database at the central computer 102 (*See* "[t]he database portions are stored in memory 507 . . . of central computer 102 of exercise terminal network 100 (Col. 12, ll. 23-27)).

In contrast, amended independent claim 10 recites the central control unit comprising a receptacle that supports at least one storage medium containing an exercise program to be delivered to each of the two or more exercise devices . . . and a wireless transmitter . . . delivering said exercise program to each of the two or more exercise devices at the same time." Similarly, independent claim 19 recites "said control panel comprising: an input receptacle that receives at least one storage medium containing an exercise program to be delivered to each of the two or more exercise devices. . . and a wireless transmitter . . . delivering said exercise program to each of the two or more exercise devices using a wireless carrier signal. *Shea* neither teaches nor suggests "an exercise program to be delivered to each of the one or more exercise devices" and a transmitter delivering "said exercise program to each of the one or more exercise devices using a wireless carrier signal." Rather, *Shea* teaches and suggests individual programs begin delivered to each exercise apparatus and not a single exercise program delivered to each of the two or more exercise devices.

With respect to independent claim 53, although *Shea* identifies different data structures for the signals and the database portion (*See* Figures 11A-12), Applicants respectfully submit that *Shea* neither teaches nor suggests the particular control signal, including "a first data field defining a first operating parameter value for one of one or more operating parameters of an exercise device; a second data field defining a second operating parameter value for another of said one or more operating parameters of the exercise device; a third data field identifying an exercise device type; and a fourth data field defining a checksum of said first data field and said second data field, said checksum configured to be used by the exercise device for error detection of the first operating parameter value and the second operating parameter value."

Applicants respectively submit that pending claims 10-34 and 53-57, as amended and presented herein, are neither disclosed in *Shea* nor obvious variations of the method disclosed therein. Accordingly, it is respectfully submitted that claims 10-34 and 53-57, as amended and presented herein, overcome the rejections based on Section 102.

D. The § 103 Rejection

The Examiner has rejected claim 15 under § 103(a) as being unpatentable over *Shea* in light of *Shum*. In light of the above arguments and the above amendments to independent claim 1, and *Shum*'s failure to overcome the deficiency of *Shea* as described above, Applicants respectfully submit that the present § 103(a) rejection is rendered moot and be withdrawn.

E. Summary and Conclusion

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 10th day of April, 2007.

Respectfully submitted,

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